

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WI-LAN INC.

V.

ACER, INC. *et al.*

WI-LAN Inc.

V.

WESTELL TECH., INC., *et al.*

CIVIL ACTION NO. 2:07-CV-473 TJW

CONSOLIDATED WITH:

CIVIL ACTION NO. 2:07-CV-474 TJW

ORDER

Before the Court is 2Wire, Inc., Westell Tech., Inc., Netgear, Inc., Acer America Corp., and Gateway, Inc.’s Emergency Motion to Enforce Subpoena, Compel Deposition, and Compel Production of Documents by Third-Party Fujitsu America, Inc. (Dkt. No. 991.) The parties delaying taking Mr. Daniel Schembri’s deposition, which is the subject of this motion, until December 21, 2010. (*See* Dkt. No. 991, Ex. E.) Trial for the abovestyled case was originally scheduled to begin on January 4, 2011. On December 30, 2010, that trial date was continued to January 21, 2010. (*See* Dkt. No. 987.) Then, on December 31, 2010, four days before trial was originally set to begin, the above defendants filed this emergency motion. (Dkt. No. 991.) The parties’ delay in conducting discovery precipitated the “emergency” nature of this motion. It is therefore DENIED as untimely.

It is so ORDERED.

SIGNED this 5th day of January, 2011.

Charles Everingham
CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE